

SENATE BILL 354

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2003 Regular Session  
3r0938  
CF 3r2363

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By: **Senators Grosfeld, Britt, Conway, Forehand, Frosh, Garagiola, Gladden,  
Hollinger, Jones, Kelley, Kramer, Lawlah, Pinsky, Ruben, and  
Teitelbaum**

Introduced and read first time: January 31, 2003  
Assigned to: Education, Health, and Environmental Affairs

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A BILL ENTITLED

1 AN ACT concerning

2 **Public Health - Licensed Pharmacists - Dispensing Emergency**  
3 **Contraception**

4 FOR the purpose of authorizing a licensed pharmacist to dispense emergency  
5 contraception if the pharmacist has a certain arrangement with a certain  
6 physician under certain circumstances; authorizing a certain pharmacist to  
7 initiate a certain arrangement; providing for the duration of a certain  
8 arrangement under certain circumstances; requiring the Board of Pharmacy  
9 and the Board of Physician Quality Assurance to jointly develop and adopt  
10 certain regulations; providing for the application of this Act; defining certain  
11 terms; and generally relating to the dispensing of emergency contraception by a  
12 licensed pharmacist.

13 BY adding to  
14 Article - Health Occupations  
15 Section 12-605  
16 Annotated Code of Maryland  
17 (2000 Replacement Volume and 2002 Supplement)

18 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
19 MARYLAND, That the Laws of Maryland read as follows:

20 **Article - Health Occupations**

21 12-605.

22 (A) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS  
23 INDICATED.

24 (1) "ARRANGEMENT" MEANS A COLLABORATIVE PRACTICE  
25 ARRANGEMENT BETWEEN A LICENSED PHARMACIST AND A LICENSED PHYSICIAN  
26 THAT AUTHORIZES THE LICENSED PHARMACIST TO DISPENSE EMERGENCY  
27 CONTRACEPTION TO EITHER:

1 (I) PATIENTS OF THE LICENSED PHYSICIAN; OR

2 (II) INDIVIDUALS WHO ARE NOT PATIENTS OF THE LICENSED  
3 PHYSICIAN.

4 (2) (I) "EMERGENCY CONTRACEPTION" MEANS A METHOD OF  
5 PREVENTING PREGNANCY.

6 (II) "EMERGENCY CONTRACEPTION" DOES NOT INCLUDE  
7 ABORTIFACIENTS.

8 (3) "LICENSED PHYSICIAN" MEANS AN INDIVIDUAL WHO IS LICENSED TO  
9 PRACTICE MEDICINE UNDER TITLE 14 OF THIS ARTICLE.

10 (B) IF A LICENSED PHARMACIST HAS AN ARRANGEMENT THAT HAS BEEN  
11 APPROVED BY THE BOARD AND THE BOARD OF PHYSICIAN QUALITY ASSURANCE,  
12 THE PHARMACIST MAY DISPENSE EMERGENCY CONTRACEPTION.

13 (C) AN ARRANGEMENT:

14 (1) MAY BE INITIATED BY EITHER A LICENSED PHARMACIST OR A  
15 LICENSED PHYSICIAN; AND

16 (2) SHALL BE VALID FOR 2 YEARS FROM THE DATE OF ITS FINAL  
17 APPROVAL BY THE BOARD AND THE BOARD OF PHYSICIAN QUALITY ASSURANCE  
18 UNLESS RENEWED IN ACCORDANCE WITH ESTABLISHED REGULATIONS ADOPTED  
19 UNDER SUBSECTION (E) OF THIS SECTION.

20 (D) THIS SECTION DOES NOT SUPERSEDE THE PROVISIONS OF § 5-902 OF THE  
21 CRIMINAL LAW ARTICLE.

22 (E) (1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, THE BOARD,  
23 TOGETHER WITH THE BOARD OF PHYSICIAN QUALITY ASSURANCE, SHALL JOINTLY  
24 DEVELOP AND ADOPT REGULATIONS TO IMPLEMENT THE PROVISIONS OF THIS  
25 SECTION.

26 (2) THE REGULATIONS ADOPTED UNDER PARAGRAPH (1) OF THIS  
27 SUBSECTION SHALL INCLUDE PROVISIONS THAT:

28 (I) DEFINE THE CRITERIA FOR THE ESTABLISHMENT OF AN  
29 ARRANGEMENT;

30 (II) ESTABLISH GUIDELINES CONCERNING AN ARRANGEMENT  
31 INCLUDING COMMUNICATION, DOCUMENTATION, AND OTHER RELEVANT FACTORS;  
32 AND

33 (III) ESTABLISH A PROCEDURE TO ALLOW FOR THE APPROVAL,  
34 MODIFICATION, CONTINUATION, OR DISAPPROVAL OF AN ARRANGEMENT BY THE  
35 BOARD AND THE BOARD OF PHYSICIAN QUALITY ASSURANCE.

1 SECTION 2. AND BE IT FURTHER ENACTED, That the regulations required  
2 by this Act shall be adopted within 6 months of the effective date of this Act.

3 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect  
4 October 1, 2003.